

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SYLVANIS JACKSON,  
Plaintiff,  
v.  
STATE OF NEVADA,  
Defendant

2:10-CV-1920 JCM (PAL)

## ORDER

Presently before the court is defendants State of Nevada, et. al.'s motion to dismiss amended complaint. (Doc. #19). Plaintiff Sylvanis Jackson filed a *pro se* opposition. (Doc. #21). Defendants then filed a reply. (Doc. #23).

Plaintiff filed his first amended complaint on October 7, 2011. (Doc. #14). The complaint alleges three causes of action: (1) false imprisonment, (2) malicious prosecution, and (3) intentional infliction of emotional distress. (Doc. #14). The complaint broadly alleges that “this [c]ourt is the proper [c]ourt of jurisdiction to hear this matter. (Doc. #14). Defendants now move to dismiss the complaint, arguing: (1) lack of federal question jurisdiction and (2) eleventh amendment immunity. (Doc. #23).

Pursuant to 28 U.S.C. § 1331, “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” The “well-pleaded complaint rule” provides that “federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar Inc. v. Williams*, 482 U.S.

1 386, 392 (1987). Further, Nevada Local Rule 8-1 states that “[t]he first allegation of any complaint  
2 . . . shall state the statutory or other basis of claimed federal jurisdiction and the facts in support  
3 thereof.”

4 Plaintiff’s bare assertion that this court is “the proper [c]ourt of jurisdiction to hear this  
5 matter” fails to adequately present a federal question. *See Caterpillar Inc.*, 482 U.S. at 392. Plaintiff  
6 argues that his complaint “clearly indicate[s]” that he has been denied constitutional due process  
7 rights. (Doc. #19). However, the complaint does not assert a due process claim. (*See* Doc. #14).  
8 Instead, plaintiff’s three claims – false imprisonment, malicious prosecution, and intentional  
9 infliction of emotional distress – all sound in state tort law. Therefore, plaintiff has failed to present  
10 a federal question “on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar Inc.*, 482  
11 U.S. at 392.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants State of  
14 Nevada, et. al.’s motion to dismiss amended complaint (doc. #19) be, and the same hereby is,  
15 GRANTED.

16 DATED December 23, 2011.

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18 UNITED STATES DISTRICT JUDGE  
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